



City Council Chambers
3300 Capitol Avenue
Fremont, California

City Council

Bob Wasserman, Mayor
Bob Wieckowski, Vice Mayor
Anu Natarajan
Bill Harrison
Suzanne Lee Chan

City Staff

Fred Diaz, City Manager
Harvey E. Levine, City Attorney
Annabell Holland, Interim Assistant City
Manager/Parks & Recreation Director

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Marilyn Crane, Information Technology Svcs. Dir.
Mary Kaye Fisher, Interim Human Resources Dir.
Norm Hughes, City Engineer
Bruce Martin, Fire Chief
Jim Pierson, Transportation & Ops Director
Jeff Schwob, Planning Director
Suzanne Shenfil, Human Services Director
Craig Steckler, Chief of Police
Lori Taylor, Economic Development Director
Elisa Tierney, Redevelopment Director

City Council Agenda and Report [Redevelopment Agency of Fremont]

General Order of Business

1. Preliminary
 - Call to Order
 - Salute to the Flag
 - Roll Call
2. Consent Calendar
3. Ceremonial Items
4. Public Communications
5. Scheduled Items
 - Public Hearings
 - Appeals
 - Reports from Commissions, Boards and Committees
6. Report from City Attorney
7. Other Business
8. Council Communications
9. Adjournment

Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested citizens, may then speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken. Items on the agenda may be moved from the order listed.

Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address the City Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.



Addressing the Council

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address and the number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker card). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said.

Oral Communications

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Oral Communications section of Public Communications. Please submit your speaker card to the City Clerk prior to the commencement of Oral Communications. **Only those who have submitted cards prior to the beginning of Oral Communications will be permitted to speak.** Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker card) and each speaker may only speak once on each agenda item.

To leave a voice message for all Councilmembers and the Mayor simultaneously, dial 284-4080.

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Information

Copies of the Agenda and Report are available in the lobbies of the Fremont City Hall, 3300 Capitol Avenue and the Development Services Center, 39550 Liberty Street, on Friday preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items are available at the Office of the City Clerk.

The regular meetings of the Fremont City Council are broadcast on Cable Television Channel 27 and can be seen via webcast on our website (www.Fremont.gov).

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the City Clerk at (510) 284-4060. Council meetings are *open captioned* for the deaf in the Council Chambers and *closed captioned* for home viewing.

Availability of Public Records

All disclosable public records relating to an open session item on this agenda that are distributed by the City to all or a majority of the City Council less than 72 hours prior to the meeting will be available for public inspection in specifically labeled binders located in the lobby of Fremont City Hall, 3300 Capitol Avenue during normal business hours, at the time the records are distributed to the City Council.

Information about the City or items scheduled on the Agenda and Report may be referred to:

Address: City Clerk
City of Fremont
3300 Capitol Avenue, Bldg. A
Fremont, California 94538
Telephone: (510) 284-4060

Your interest in the conduct of your City's business is appreciated.

AGENDA
FREMONT CITY COUNCIL REGULAR MEETING
OCTOBER 19, 2010
COUNCIL CHAMBERS, 3300 CAPITOL AVE., BUILDING A
7:00 P.M.

1. PRELIMINARY

- 1.1 Call to Order
- 1.2 Salute the Flag
- 1.3 Roll Call
- 1.4 Announcements by Mayor / City Manager

2. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.

- 2.1 *Motion to Waive Further Reading of Proposed Ordinances
(This permits reading the title only in lieu of reciting the entire text.)*
- 2.2 *Approval of Minutes – for the Regular Meetings of October 5, 2010, April 13, 2010
and February 9, 2010*
- 2.3 **ABODE SERVICES REQUEST FOR HOME FUNDS WINTER RELIEF RAPID RE-
HOUSING PROGRAM**
*City Council Authorization to Allocate \$50,000 to Abode Services for Rental Housing
Subsidies (Transformation of Winter Relief Program to Rapid Re-housing Winter
Relief Program)*

Contact Person:

*Name: Elisa Tierney
Title: Redevelopment Agency Director
Dept.: Office of Housing & Redevelopment
Phone: 510-494-4501
E-Mail: etierney@fremont.gov*

RECOMMENDATION: *Staff recommends that Council authorize allocation of
\$50,000 in HOME funds to account 103.HHD.6115 Rapid Re-housing Winter Relief*

Program for FY 2010/11 and authorize the City Manager or designee to enter into an agreement with Abode Services in compliance with all applicable requirements of the federal Department of Housing and Urban Development and to execute any other implementing documents as required.

2.4 SENIOR MOBILE MENTAL HEALTH TEAM CONTRACT RENEWAL

Approval of FY 10-11 Renewal Contract with Alameda County Behavioral Health Care Services for the Mobile Integrated Assessment and Treatment Team for Seniors

Contact Person:

Name:	<i>Karen Grimsich</i>	<i>Suzanne Shenfil</i>
Title:	<i>AFS Administrator</i>	<i>Director</i>
Dept.:	<i>Human Services</i>	<i>Human Services</i>
Phone:	<i>510-574-2062</i>	<i>510-574-2056</i>
E-Mail:	<i>kgrimsich@fremont.gov</i>	<i>sshenfil@fremont.gov</i>

RECOMMENDATION: *Authorize the City Manager or designee to execute an implementing agreement under the existing master contract with Alameda County Behavioral Health Care Services for services by the Mobile Integrated Assessment and Treatment Team for Seniors for the period of July 1, 2010 through June 30, 2011, in the amount of \$422,799.*

2.5 APPROVAL OF PRIVATE STREET IMPROVEMENT AGREEMENT FOR PARCEL MAP 9537, TELLES LANE

Approval of a Street Improvement Agreement for Construction of Private Street Improvements for Telles Lane

Contact Person:

Name:	<i>Andrew Russell</i>	<i>Norm Hughes</i>
Title:	<i>Senior Civil Engineer</i>	<i>City Engineer</i>
Dept.:	<i>Community Development</i>	<i>Community Development</i>
Phone:	<i>510-494-4534</i>	<i>510-494-4748</i>
E-Mail:	<i>arussell@fremont.gov</i>	<i>nhughes@fremont.gov</i>

RECOMMENDATION: *Approve the Agreement for Private Street Improvements entitled "Private Improvement Agreement Parcel Map 9537", with the developer, Grace Li and Lynn Zeng, and authorize the City Manager to execute the agreement on behalf of the City.*

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications

REDEVELOPMENT AGENCY – None.

PUBLIC FINANCING AUTHORITY – None.

CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY

6.1 Report Out from Closed Session of Any Final Action

7. OTHER BUSINESS

7.1 CAPITOL CORRIDOR SERVICE EXPANSION PROGRAM

Provide Comments for Staff to Include in its Letter to the Capitol Corridor Joint Powers Authority Regarding the Program Environmental Assessment Prepared for the Capitol Corridor Service Expansion Program

Contact Person:

Name: Jim Pierson
Title: Director
Dept.: Transportation and Operations
Phone: 510-494-4722
E-Mail: jpierson@fremont.gov

RECOMMENDATION: Provide comments for staff to include in the City's comment letter to the Capitol Corridor Joint Powers Authority regarding their Program Environmental Assessment of their Service Expansion Program.

7.2 UPDATE ON SOUTH FREMONT/WARM SPRINGS AREA STUDIES

Receive Update on South Fremont/Warm Springs Area Studies

Contact Person:

Name:	Brian Millar	Lori Taylor
Title:	Project Manager	Director
Dept.:	City Manager's Office	Economic Development
Phone:	510-284-4008	510-284-4020
E-Mail:	bmillar@fremont.gov	ltaylor@fremont.gov

RECOMMENDATION: Receive the report and provide feedback to City staff and the consultant team.

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals – None.

8.2 Oral Reports on Meetings and Events

9. ADJOURNMENT



REPORT SECTION
FREMONT CITY COUNCIL
REGULAR MEETING

OCTOBER 19, 2010

***2.3 ABODE SERVICES REQUEST FOR HOME FUNDS WINTER RELIEF RAPID RE-HOUSING PROGRAM**

City Council Authorization to Allocate \$50,000 to Abode Services for Rental Housing Subsidies (Transformation of Winter Relief Program to Rapid Re-housing Winter Relief Program)

Contact Person:

Name: Elisa Tierney
Title: Redevelopment Agency Director
Dept.: Office of Housing & Redevelopment
Phone: 510-494-4501
E-Mail: etierney@fremont.gov

Executive Summary: Abode Services, a local non-profit that provides both temporary shelter and finding permanent housing for homeless families, has been operating a Winter Relief Program for the last 10 years. The program, operated at a cost of approximately \$135,000, in conjunction with a group of rotating churches, has served homeless families during winter months, by providing food and shelter in church halls. Last year 20 families were assisted by the program. Although this program provided a warm place to sleep, data collected by Abode shows that the majority of families did not return to permanent housing. Abode is interested in transforming the current Winter Relief Program into one which focuses on directly placing families on the Abode waiting list (waiting for shelter) directly into housing. However, because the program assists with rental subsidies, the cost of this service will be greater than the current Winter Relief Program. In order to implement this new program model, Abode will be re-programming current funding from Alameda County, and leveraging a portion of their Homeless Prevention and Rapid Re-housing stimulus funds. In addition Abode is requesting \$50,000 in City of Fremont HOME funds to be used solely for rental subsidies. (Budget for program enclosed)

The federal HOME program provides flexible funding to states and local governments for affordable housing programs for lower income households. In general, HOME funds can be used to acquire, rehabilitate, finance, and construct affordable housing, as well as provide tenant-based rental assistance.

The City currently has sufficient HOME funds available to grand Abode's request for \$50,000 in HOME funds for FY 2010/11 for a Rapid Re-housing Winter Relief Program and anticipates receiving an allocation of \$559,318 for FY 2010/11. In the past, HOME funds have been used for construction of housing like Main Street Village and Eden Housing's Senior Project, as well as for rental subsidies used by Project Independence, providing assistance for young people exiting the foster care system.

BACKGROUND: According to the 2009 Alameda County Homeless Count, there are 640 households, comprised of nearly 1300 people, in Southern Alameda County who experience homelessness every year. Although the county has seen a decrease in chronic homelessness, since 2003 the rate of "hidden homelessness" has increased by 168%, with children showing the most dramatic increase of 290%. These households often first double up with friends and family, stay in motels and campgrounds, while remaining on Abode's wait list to get into Sunrise Village. Since 2000, Abode Services, a local non-profit helping to find permanent housing for homeless families and individuals has worked with the local faith community to operate a Winter Relief Program. This program expands the number of

available shelter beds during the cold and inclement months of November through March. Families are provided food and shelter in church halls, on a rotational basis, and offered services to find housing.

Last winter 20 families participated in the program. Although this program provided a warm place to sleep, data collected by Abode shows, the majority of families did not return to permanent housing. As a result, Abode Services is proposing to redesign the program so that homeless persons on Abode's wait list will be diverted from having to enter temporary shelter and will be placed, instead, directly into housing. Families will attain long-term housing stability through short term subsidy assistance and social services. This will allow more chronically homeless people to access the shelter by shortening the waiting list, and limiting shelter beds to those who need it the most.

Starting in November 2010, 15 homeless families will work with an Abode Housing Specialist to locate and secure rental housing within three weeks of contact. Abode Services will enter into an agreement to provide the family rental assistance for three months at a time, extendable for up to a maximum of 18 months based on need. An Abode Services Housing Specialist will work closely with each family to identify appropriate housing that they will be able to eventually sustain without subsidy assistance. Abode currently works with over 150 landlords county-wide who will lease to households linked to Abode support services, regardless of the tenant history of the particular renter. Once housed, the Housing Specialist is available to work with a tenant if issues arise. Housing Specialists also provide on-going training to program participants that help them become better neighbors and tenants.

The faith community will continue to be engaged in the program. They, along with other community groups, will voluntarily sponsor individual families needing assistance with furnishing, equipping and maintaining a home. Once in housing, the family will continue to work with an Abode service coordinator who will make regular visits to the family's new home to assess needs and barriers to housing retention. The service coordinator will be responsible for connecting the family to available community services (i.e. job training, childcare, health services, etc.). Though the new program will rapidly re-house homeless families; some families will need interim shelter as they prepare to move into their new home. These households will be provided with motel vouchers, for approximately five nights, while Abode staff engages with them through the provision of social services and housing placement. The outcomes for this new housing effort will accomplish the following: (1) Re-house 15 homeless families, (2) At least 80% or 12 families will retain their home for a minimum of six months after assistance with housing subsidy ends, (3) 30 families will receive motel stays with social services, and (4) All children will receive a developmental needs assessment and services appropriate to their needs.

DISCUSSION/ANALYSIS: In order to implement this new program model, Abode will be re-programming current funding from Alameda County, and leveraging a portion of their Homeless Prevention and Rapid Re-housing stimulus funds. In addition, Abode is requesting \$50,000 in City of Fremont HOME funds to be used solely for rental subsidies. HOME funds can be used for affordable housing programs for lower income households. These funds may be used to acquire, rehabilitate, finance, and construct affordable housing, as well as provide tenant-based rental assistance.

The City currently has sufficient HOME funds available to grant Abode's request for \$50,000 in FY 2010/11 for a Rapid Re-housing Winter Relief Program. It is anticipated the City will receive an allocation of \$559,318 for FY 2010-11. In the past, HOME funds have been used for construction of housing like Main Street Village and Eden Housing's Senior Project. HOME funds have also been used

for very low income family transitional housing, units for those with mental disabilities, and expenditures for tenant-based rental assistance programs like the Housing Scholarship Program and for Project Independence youth exiting the foster care system

In addition, because the City receives HOME funds as a sub-recipient from Alameda County, the County must approve the use of these funds for the proposed activity and the form of the contract between the City and Abode Services, both in advance of the contract being executed. The contract must also comply with applicable regulations of the federal Department of Housing and Urban Development.

FISCAL IMPACT: Funds are currently available to fund Abode's request for \$50,000 in HOME funds for FY 2010/11.

ENVIRONMENTAL REVIEW: The current action does not authorize any project nor does it constitute a project under CEQA.

ENCLOSURE: [Budget for Winter Relief Rapid Re-housing Program](#)

RECOMMENDATION: Staff recommends that Council authorize allocation of \$50,000 in HOME funds to account 103.HHD.6115 Rapid Re-housing Winter Relief Program for FY 2010/11 and authorize the City Manager or designee to enter into an agreement with Abode Services in compliance with all applicable requirements of the federal Department of Housing and Urban Development and to execute any other implementing documents as required.

***2.4 SENIOR MOBILE MENTAL HEALTH TEAM CONTRACT RENEWAL**

Approval of FY 10-11 Renewal Contract with Alameda County Behavioral Health Care Services for the Mobile Integrated Assessment and Treatment Team for Seniors

Contact Person:

Name:	Karen Grimsich	Suzanne Shenfil
Title:	AFS Administrator	Director
Dept.:	Human Services	Human Services
Phone:	510-574-2062	510-574-2056
E-Mail:	kgrimsich@fremont.gov	sshensif@fremont.gov

Executive Summary: The purpose of this report is to recommend that the City Council authorize the City Manager to execute a renewal agreement with Alameda County Behavioral Health Care Services for the Mobile Integrated Assessment and Treatment Team for Seniors, referred to as the Mobile Mental Health Team.

BACKGROUND: In November 2004, California voters passed Proposition 63, the Mental Health Services Act (MHSA), which has been designed to expand and transform California's county mental health service system. MHSA provides supplemental funding for mental health services by imposing an additional one percent tax on individual taxable incomes of one million dollars or more. The California Department of Mental Health (CDMH) contracts with Alameda County Behavioral Health Care Services (ACBHCS) to develop and implement MHSA funded programs.

In December 2005, ACBHCS successfully submitted a MHSA funding plan to CDMH that included a proposal for mobile mental health services for seniors in southern Alameda County. The County then selected the City's Human Services Department as a sole source provider; in part due to the fact the City is the largest and most comprehensive purveyor of senior services in the Tri-City area. On April 10, 2007, the City Council authorized the City Manager to enter into an agreement with ACBHCS, and to appropriate the funding to fund 104.

DISCUSSION/ANALYSIS:

Program Goals and Design: The goal of the Mobile Mental Health Team is to improve the mental health of 55 seniors per year who are 60 years and older with serious mental illness who are: 1) isolated and therefore unable to access clinical services; and 2) unable to manage independence due to physical/mental disabilities. These seniors are often at risk of institutionalization, nursing home care, hospitalization, repeated 911 calls, and emergency room visits.

The program team is a multi-disciplinary team consisting of a part-time psychiatrist and physician assistant, a licensed counselor and a full-time clinical supervisor. The clinical supervisor is the project manager. The team is supported by a full time Administrative Assistant.

The team will visit isolated seniors in their own homes to diagnose their mental status and assess their need for mental health services. The treatment team will work with the senior, and where possible the family, to develop a treatment plan that may include prescribing and monitoring psychotropic

medications, providing individual counseling, and referring seniors to other resources as needed. Referrals may be made to other services such as the City's senior case management program, Adult Protective Services, home delivered meals and inpatient hospitalization as needed.

Medical staff is covered in the California State Association of Counties (CSAC) medical malpractice pool, which is comprised of numerous cities and counties within California. The program provides medical malpractice, general liability, and blanket contract health professional coverage. The City's insurance costs are included in the program operating budget. The proposed agreement also falls under the City's master contract with ACBHCS, which includes Joint Powers Agreement (JPA) language that allows City staff to provide services outside the City's jurisdiction, while retaining the legal protections available when providing services within the City's jurisdiction.

FINANCIAL IMPACT:

Program Budget: Based on negotiations with Alameda County Behavioral Health Care Services at the end of Fiscal Year 2009/10, the City appropriated sufficient funds to cover this contract in Fiscal Year 2010/11 adopted budget. Human Services received a contract from the County for \$422,799. All program costs are covered under this contract.

ENVIRONMENTAL REVIEW: N/A

ENCLOSURE: None

RECOMMENDATION: Authorize the City Manager or designee to execute an implementing agreement under the existing master contract with Alameda County Behavioral Health Care Services for services by the Mobile Integrated Assessment and Treatment Team for Seniors for the period of July 1, 2010 through June 30, 2011, in the amount of \$422,799.

***2.5 APPROVAL OF PRIVATE STREET IMPROVEMENT AGREEMENT FOR PARCEL MAP 9537, TELLES LANE**

Approval of a Street Improvement Agreement for Construction of Private Street Improvements for Telles Lane

Contact Person:

Name:	Andrew Russell	Norm Hughes
Title:	Senior Civil Engineer	City Engineer
Dept.:	Community Development	Community Development
Phone:	510-494-4534	510-494-4748
E-Mail:	arussell@fremont.gov	nhughes@fremont.gov

Executive Summary: The purpose of this report is to recommend that City Council approve an improvement agreement for private street improvements to Telles Lane and authorize the City Manager to execute the agreement. This item is before the City Council because the value of the private improvements is \$110,000.

BACKGROUND: Parcel Map 9537 is a subdivision of an existing 32,356 square foot parcel for property located at 140 Telles Lane in the Mission San Jose planning area. The project includes subdividing an existing residential parcel into two parcels and improving an existing Private Street (Telles Lane) across the project frontage to Mission Boulevard. The Historical Architectural Review Board (HARB) reviewed and recommended the project on July 3, 2008. Vesting Tentative Parcel Map 9537 and Private Street (PLN2008-00092) was approved by the Planning Commission on July 24, 2008. A condition of the tentative map was to improve Telles Lane across the parcel frontage to current private street standards.

The developer/owners of the property, Grace Li and Lynn Zeng, have signed an agreement and posted bonds to guarantee construction of Telles Lane. The private street improvements include curbs, sidewalk, driveways, street trees, new pavement and other miscellaneous items of work. Bonds in the amount of \$110,000.00 for faithful performance of the agreement and \$110,000.00 for the payment of labor and materials have been provided by the Developer based on the contractor's bid for the actual construction cost. The improvement plans have been reviewed and approved by the Engineering Division.

DISCUSSION/ANALYSIS: None

FISCAL IMPACT: None. Maintenance of Telles Lane will be the responsibility of the property owners adjacent to the private street.

ENVIRONMENTAL REVIEW: This project was found to be exempt from CEQA review as an in-fill project (minor land subdivision) pursuant to Public Resource Code Section 21159.23.

ENCLOSURE: [Site Plan](#)

RECOMMENDATION: Approve the Agreement for Private Street Improvements entitled "Private Improvement Agreement Parcel Map 9537", with the developer, Grace Li and Lynn Zeng, and authorize the City Manager to execute the agreement on behalf of the City.

6.1 Report Out from Closed Session of Any Final Action

7.1 CAPITOL CORRIDOR SERVICE EXPANSION PROGRAM

Provide Comments for Staff to Include in its Letter to the Capitol Corridor Joint Powers Authority Regarding the Program Environmental Assessment Prepared for the Capitol Corridor Service Expansion Program

Contact Person:

Name: Jim Pierson
Title: Director
Dept.: Transportation and Operations
Phone: 510-494-4722
E-Mail: jpierson@fremont.gov

Executive Summary: The Capitol Corridor Joint Powers Authority (CCJPA) has applied for federal FY 2010 High Speed Intercity Passenger Rail (HSIPR) funds for three (3) projects to expand Capitol Corridor intercity train service to Auburn and implement reliability projects in Fremont and Newark. This application is an incremental effort by the CCJPA to implement 11 capacity enhancing projects that would add a second round trip train between Sacramento and Auburn and increase service between Oakland and San Jose from the current seven round trips to 11. The projects would also increase train reliability, reduce travel times and re-route freight and passenger trains so the Capitol Corridor trains can stop at the Union City BART Station. Five of the 11 projects are at least partially within the City of Fremont. In consultation with the Governor's Office and Caltrans, CCJPA applied for a "Reduced Program" in FY2010 that would only implement three of the 11 projects, two of which are within Fremont.

In order to receive federal funding, the Federal Railroad Administration (FRA) requires the CCJPA to prepare a Program Level Environmental Assessment (EA) that complies with the National Environmental Policy Act (NEPA). The CCJPA has prepared the Draft Program EA and it is now available for review and comment. Comments are due to the CCJPA by October 29, 2010. The EA can be found on the CCJPA website at:

http://www.capitolcorridor.org/program_NEPA_EA/docs/CCJPA_Program_EA_August_2010.pdf.

At the Council meeting City and CCJPA Staff will make a presentation about the projects in Fremont and the Program EA. Council will then have the opportunity to provide comments to City Staff for inclusion in the City's comment letter to the CCJPA on the Program EA.

BACKGROUND: The Capitol Corridor currently runs one round trip train between Auburn and Sacramento, 16 round trips between Sacramento and Oakland, and seven round trips between Oakland and San Jose. As part of its Phase 2 Expansion Program, the CCJPA wants to expand the round trip trains from Auburn to Sacramento to two and the round trip trains between Oakland and San Jose to 11. The Expansion Program is also intended to improve reliability, reduce travel times, improve intermodal connectivity and ensure easy transfer to local transit, and enhance safety and security. To implement the Phase 2 Expansion Program the CCJPA has applied to the FRA for federal High Speed Intercity Passenger Rail (HSIPR) capital grant funds. In order to be considered for federal funding, the FRA requires that the CCJPA prepare a Program Level Environmental Assessment (EA) to comply with NEPA. The CCJPA has prepared the Draft Program EA and it is now available for review and comment. Comments are due to the CCJPA by October 29, 2010.

Capitol Corridor service runs mostly on freight tracks owned by the Union Pacific Railroad (UPRR). To allow for the expanded passenger service, the CCJPA must increase the capacity of the current freight and passenger rail infrastructure. Therefore, the CCJPA Phase 2 Expansion Program EA includes 11 individual projects (see Exhibit 1). Of these 11 projects, one is in the Sacramento area, two are in Alameda County, but north of Fremont, and three are in Santa Clara County. None of these projects directly impact Fremont. However, the other five projects are either fully or partially in the City of Fremont and warrant review by the City. Although each of the projects can be implemented independently, all of the projects in Fremont would have to be completed if Capitol Corridor service is to be expanded from seven to 11 round trips between Oakland and San Jose. The CCJPA anticipates that if funding is received, Program construction would begin in 2011 and end in 2019.

It should be noted that before any of the projects can be constructed, project level environmental documents would need to be prepared for each project to comply with both NEPA and CEQA requirements. In the EA the CCJPA has listed the anticipated type of NEPA environmental document they believe will be required for each project. They expect three projects will require a project level Environmental Assessment/Finding of No Significant Impact (EA/FONSI), and the others can use a Categorical Exemption (CE).

From staff's initial review, it appears that two of the projects in Fremont are relatively minor in scope and should have a positive impact on train service with minimal negative impacts if properly designed. Project 4 would add a second mainline track for about one mile between Stevenson Boulevard and Auto Mall Parkway within the UPRR right-of-way west of I-880 (see Exhibit 2). Project 8 would extend the southern platform in the Centerville station to its full length so two passenger trains can be in the station at the same time (see Exhibit 3).

Projects 6 and 7 are related and are both required to reroute the Capitol Corridor service from the Niles subdivision tracks that run along Mission Blvd. on the northeast side of Niles, to the Oakland subdivision tracks that run parallel to the BART alignment along the southwest side of Niles. This rerouting will allow the Capitol Corridor trains to serve the Union City Intermodal Station and provide an interface with the Union City BART station, which is a goal of the CCJPA. Project 6 is the acquisition of the Oakland subdivision tracks from UPRR between Industrial Parkway in Hayward and the Shinn area of Fremont (see Exhibit 4). Project 7 would: 1) construct a connection between the Oakland subdivision and the Niles subdivision in Hayward so Capitol Corridor trains could access the Oakland subdivision; 2) add a second mainline track between Industrial Parkway and Shinn; 3) add a track connection at Shinn between the Oakland subdivision and the Centerville line so trains on the Oakland subdivision can get onto the Centerville line and into the Centerville station; 4) create an intermodal hub with BART at the Union City Station; 5) add a grade separation; and 6) add double-track connections along the Niles and Centerville subdivisions (see Exhibit 5). All of the elements included in Project 7 have been analyzed under CEQA and reviewed by the City Council as part of the City's review of Union City's Intermodal Station Passenger Rail Draft EIR in June 2005 and their Partial Revision to the Draft EIR in December 2005.

In order to reroute the Capitol Corridor trains onto the Oakland subdivision as called for in Projects 6 and 7, UPRR requires that the freight capacity they would lose by selling this track to the CCJPA be mitigated. Project 9 provides two alternative ways to mitigate for this loss of capacity for UPRR.

Currently, freight trains from the Port of Oakland that travel east through Niles Canyon leave the Port and head south on the Coast subdivision west of I-880. Once they reach Newark, the trains turn east through Centerville and into the Canyon (see Exhibit 6). CCJPA Alternative 9A would improve the tracks through Niles Canyon that are currently owned by the County and used by the Niles Canyon Railway (see Exhibit 7). This Alternative would provide for UPRR to operate freight on these tracks shared with the Niles Canyon Railway historic trains. By improving the Niles Canyon Railway tracks and acquiring rights for UPRR to use these tracks, Alternative 9A would allow UPRR to reroute freight trains from the Port down the Niles Subdivision (along the northeast side of Niles) and into Niles Canyon using the historic train alignment. This Alternative would thus substantially reduce freight trains from the tracks through Centerville.

Instead of routing freight trains onto the Niles subdivision, Alternative 9B would continue to route freight trains through Centerville. This Alternative would mitigate the loss of freight capacity from Projects 6 and 7 by adding a third freight/passenger track through Centerville from the Niles junction to the Coast subdivision in Newark (see Exhibit 8). According to the EA, there is sufficient UPRR right-of-way to accommodate the third track without acquiring additional property. Between the two alternatives, 9A and 9B, Alternative 9A has been identified as the preferred alternative from an operational perspective because it avoids triple tracking through Centerville and allows freight trains a more direct path between the Port of Oakland and points east of Fremont.

If the CCJPA is not awarded the entire federal grant they are seeking, the EA describes a “Reduced Program” alternative that could be implemented with substantially less grant funding. The Reduced Program includes only three projects, Projects 1, 4 and 8. Project 1 is in the Sacramento area and Projects 4 and 8 are the two projects in the Fremont area that staff believes will have minimal negative impacts if properly designed. The implementation of Projects 4 and 8 would improve train reliability by 15%, but it is unclear whether any increase in the number of trains will be possible with this Reduced Program.

DISCUSSION/ANALYSIS: The Environmental Assessment prepared by the CCJPA is a Program Level document. Therefore, the degree of analysis is based on a conceptual level understanding of the scope of the projects and the anticipated environmental impacts. However, before any of the 11 projects could be implemented, project level environmental documents that comply with both NEPA and CEQA will be required. Therefore, the City should have another opportunity to review and comment on the environmental impacts of each project before it is developed.

According to the Program EA, in most cases, the environmental impacts of the CCJPA Service Expansion Program fall into the categories of No Impact, Minimal or Minor Impact, or Potential Benefit. Even those Projects that have moderate impacts should be able to mitigate the impacts to less than significant if properly designed. Again, more information would be available when the project level environmental documents are prepared.

The two areas that appear to have the greatest potential for environmental impact are noise and vibration. These impacts are primarily due to the increase of Capitol Corridor train trips from seven round trips to 11 round trips. The EA presents several mitigation measures that could be employed with the various projects that could substantially mitigate the noise and vibration impacts. Project 7, the rerouting of Capitol Corridor trains onto the Oakland subdivision and the new track connection at Shinn,

would have the greatest noise and vibration impacts. However, Union City has completed the project level CEQA document which determined that the implementation of mitigation measures would reduce noise and vibration impacts to a less than significant level. As part of the Council's prior review of this project the City provided several recommendations to Union City to revise the design and mitigation measures, particularly at the Shinn connection. Many of the City's recommendations were incorporated into the revised design and in response Union City prepared a "Partial Revision" of their Draft EIR. The City's review of the PRDEIR resulted in additional comments and recommendations that were provided to Union City in a letter in December 2005.

Probably the most important issue raised by the CCJPA Service Expansion Program is the rerouting of freight and passenger trains that is required to provide the necessary capacity for the additional Capitol Corridor trains. If Project 7 and Alternative 9A are implemented, passenger trains would use the Oakland subdivision on one side of Niles and freight trains would use the Niles subdivision on the other side of Niles (where the Capitol Corridor trains currently run). Although the Centerville area would have an increased level of passenger trains when the Capitol Corridor service is expanded, freight train traffic would be substantially reduced through Centerville under this alternative.

On the other hand, if Project 7 and Alternative 9B are implemented, the Capitol Corridor trains would still move over to the Oakland subdivision on the southwest side of Niles, but there would be no passenger trains and only a minor number of freight trains on the Niles subdivision on the other side of Niles. Conversely, the Centerville area would require a third track to handle the increased capacity because under this alternative, all existing freight as well as the expanded Capitol Corridor service would use the tracks through Centerville (in addition to the current ACE service).

In its comments on the CCJPA Service Expansion Program, the Council may want to consider how the routing of trains through Niles and Centerville will be affected and how this may affect those communities. The combination of Projects 7 and 9A distributes the train traffic over a wider area, as the Capitol Corridor trains would run on the Oakland subdivision and Centerville tracks and most of the freight would use the Niles subdivision. On the other hand, the combination of Projects 7 and 9B would result in relatively little train traffic on the Niles subdivision, the Oakland subdivision would still have the Capitol Corridor trains just like the prior alternative, but the Centerville line would now have all of the Capitol Corridor trains, all of the current freight, plus the ACE trains that currently run through Centerville.

It is likely that the expansion of Capitol Corridor service will occur eventually because expanded transportation options are greatly needed in the Bay Area. This expansion will benefit Fremont residents and businesses by giving them more frequent Capitol Corridor service and more transit options. The CCJPA Program is consistent with the City's General Plan which has a fundamental goal to increase transportation alternatives with the purpose of reducing economic and environmental costs derived from the increased dependency on automobiles. It also has several applicable transportation policies, among them to encourage the development of rail systems serving Fremont residents, workers and businesses. Regardless of these benefits, the CCJPA Service Expansion will result in more trains running through the City and thus bring with it the concerns that result from increased train traffic. Therefore, as part of staff's comments on the EA, we will encourage the CCJPA to design and construct the various projects in Fremont in a manner that will mitigate, to the greatest degree practical, the various environmental impacts. For example, to mitigate noise, the CCJPA should look at installing soundwalls where

appropriate and/or providing for double pane windows in homes immediately adjacent to the tracks. Further, they could design their projects to include the improvements required to create railroad crossing quiet zones so that trains would not have to blow their horns at grade crossings. The EA suggests creating quiet zones as part of Alternative 9A, but quiet zones could also be beneficial to other areas as well. Further, staff will want to ensure that none of the projects would make it more difficult to accommodate a new Capitol Corridor and ACE station at the west end of Auto Mall Parkway in the future.

FISCAL IMPACTS: N/A

ENCLOSURES:

- [Exhibit 1 – List of Capitol Corridor Service Expansion Program \(CCSEP\) Projects](#)
- [Exhibit 2 – Project 4 Map](#)
- [Exhibit 3 – Project 8 Map](#)
- [Exhibit 4 – Project 6 Map](#)
- [Exhibit 5 – Project 7 Map](#)
- [Exhibit 6 – Rail Subdivision Locations within the Project Area Map](#)
- [Exhibit 7 – Project Alternative 9A Map](#)
- [Exhibit 8 – Project Alternative 9B Map](#)

RECOMMENDATION: Provide comments for staff to include in the City's comment letter to the Capitol Corridor Joint Powers Authority regarding their Program Environmental Assessment of their Service Expansion Program.

7.2 UPDATE ON SOUTH FREMONT/WARM SPRINGS AREA STUDIES

Receive Update on South Fremont/Warm Springs Area Studies

Contact Person:

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Executive Summary: The City has commenced work on a series of studies related to the South Fremont/Warm Springs area, which includes the former NUMMI facility and lands surrounding the planned Warm Springs BART Station. These studies are funded through a federal Economic Development Administration grant, and focus on market/economic analyses, land use alternatives, infrastructure and cost analyses, and a financial assessment. Tonight's discussion will provide an overview of the process to-date, with staff and City consultants seeking preliminary Council input on issues related to economics/market analysis and land use.

BACKGROUND: The City's Economic Development Administration (EDA) grant funds are being used to complete four main study components: 1) Economic and Market Analysis Strategic Plan; 2) Land Use Alternatives Study; 3) Infrastructure and Cost Analysis; and 4) Financial Assessment. These studies will help guide the City in future planning efforts for the area, leading to the anticipated completion of a Community Plan for the project area.

DISCUSSION/ANALYSIS: Background work is now underway on the Economic and Market Analysis Strategic Plan, along with initial steps on the Land Use Alternatives Study. A kick-off community workshop was held on October 4, 2010 at the Warm Springs Community Center, with 79 people attending. The workshop sought initial community input on specific issues related to the reuse and revitalization of the project area, with feedback obtained on issues related to land use and economic development. A second community workshop will be held on November 6, 2010, to be conducted as part of the City's General Plan Update Workshop, and will be followed by a third community workshop on December 6, 2010.

Tonight's discussion is intended to include the following:

- An overview of key findings related to input received at the October 4th community workshop.
- An update on recent actions of the consultant team, focusing on background studies related to the Economics and Marketing study.
- Solicit Council input on issues related to initial research on the Economics and Marketing study.
- Receive preliminary Council input on issues related to the Land Use Alternatives study.
- Discussion of next steps in the process, which are anticipated to include additional discussions with the consultant team on November 16 and December 14, 2010.

FISCAL IMPACT: EDA's grant of \$333,000 is anticipated to cover the costs for consultants to prepare the NUMMI-related studies. The City's required match of \$83,250 is being met entirely through the use of City staff time incurred in processing the grant and oversight of the related technical studies, and has been funded with an appropriation from the 501 Capital Improvement fund's fund balance to 501PWC8735, NUMMI Site Reuse & Revitalization Project.

ENVIRONMENTAL REVIEW: There is no project or other action related to this staff report that triggers provisions of the California Environmental Quality Act (CEQA). Therefore, no CEQA determination is required.

ENCLOSURE: [Draft Goals for the South Fremont/Warm Springs Studies](#)

RECOMMENDATION: Receive the report and provide feedback to City staff and the consultant team.

8.1 Council Referrals – None.

8.2 Oral Reports on Meetings and Events

ACRONYMS

ABAG.....	Association of Bay Area Governments	FUSD	Fremont Unified School District
ACCMA.....	Alameda County Congestion Management Agency	GIS	Geographic Information System
ACE	Altamont Commuter Express	GPA.....	General Plan Amendment
ACFCD	Alameda County Flood Control District	HARB	Historical Architectural Review Board
ACTA	Alameda County Transportation Authority	HBA	Home Builders Association
ACTIA	Alameda County Transportation Improvement Authority	HRC	Human Relations Commission
ACWD	Alameda County Water District	ICMA	International City/County Management Association
BAAQMD	Bay Area Air Quality Management District	JPA	Joint Powers Authority
BART	Bay Area Rapid Transit District	LLMD	Lighting and Landscaping Maintenance District
BCDC	Bay Conservation & Development Commission	LOCC	League of California Cities
BMPs	Best Management Practices	LOS	Level of Service
BMR	Below Market Rate	MOU	Memorandum of Understanding
CALPERS.....	California Public Employees' Retirement System	MTC	Metropolitan Transportation Commission
CBD	Central Business District	NEPA	National Environmental Policy Act
CDD	Community Development Department	NLC.....	National League of Cities
CC & R's	Covenants, Conditions & Restrictions	NPDES.....	National Pollutant Discharge Elimination System
CDBG	Community Development Block Grant	NPO.....	Neighborhood Preservation Ordinance
CEQA	California Environmental Quality Act	PC.....	Planning Commission
CERT	Community Emergency Response Team	PD	Planned District
CIP	Capital Improvement Program	PUC.....	Public Utilities Commission
CMA	Congestion Management Agency	PVAW	Private Vehicle Accessway
CNG.....	Compressed Natural Gas	PWC.....	Public Works Contract
COF	City of Fremont	RDA	Redevelopment Agency
COPPS	Community Oriented Policing and Public Safety	RFP	Request for Proposals
CSAC.....	California State Association of Counties	RFQ.....	Request for Qualifications
CTC	California Transportation Commission	RHNA	Regional Housing Needs Allocation
dB	Decibel	ROP.....	Regional Occupational Program
DEIR.....	Draft Environmental Impact Report	RRIDRO.....	Residential Rent Increase Dispute Resolution Ordinance
DO	Development Organization	RWQCB	Regional Water Quality Control Board
DU/AC.....	Dwelling Units per Acre	SACNET	Southern Alameda County Narcotics Enforcement Task Force
EBRPD	East Bay Regional Park District	SPAA	Site Plan and Architectural Approval
EDAC	Economic Development Advisory Commission (City)	STIP	State Transportation Improvement Program
EIR.....	Environmental Impact Report (CEQA)	TCRDF.....	Tri-Cities Recycling and Disposal Facility
EIS	Environmental Impact Statement (NEPA)	T&O	Transportation and Operations Department
ERAF	Education Revenue Augmentation Fund	TOD	Transit Oriented Development
EVAW	Emergency Vehicle Accessway	TS/MRF	Transfer Station/Materials Recovery Facility
FAR	Floor Area Ratio	UBC	Uniform Building Code
FEMA.....	Federal Emergency Management Agency	USD.....	Union Sanitary District
FFD.....	Fremont Fire Department	VTa	Santa Clara Valley Transportation Authority
FMC.....	Fremont Municipal Code	WMA	Waste Management Authority
FPD.....	Fremont Police Department	ZTA.....	Zoning Text Amendment
FRC.....	Family Resource Center		

**UPCOMING MEETING AND CHANNEL 27
BROADCAST SCHEDULE**

<i>Date</i>	<i>Time</i>	<i>Meeting Type</i>	<i>Location</i>	<i>Cable Channel 27</i>
October 26, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
November 2, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
November 9, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
November 16, 2010	TBD	Work Session	Council Chambers	Live
November 23, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
November 30, 2010 (5 th Tuesday)		No City Council Meeting		
December 7, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
December 14, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
December 15, 2010 – January 3, 2011		Council Recess		
January 4, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
January 11, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
January 18, 2011	TBD	Work Session	Council Chambers	Live
January 25, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
February 1, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
February 8, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
February 15, 2011	TBD	Work Session	Council Chambers	Live
February 22, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live